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CHRISTINE DOUGHERTY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE DOUGHERTY,

Plaintiff,

v.

AMCO INSURANCE COMPANY
and DOES ONE through TWENTY,
Inclusive,

Defendants.

NO. C 07-01140 MHP

**PLAINTIFF'S OBJECTION, NOTICE OF
MOTION AND MOTION TO STRIKE
DECLARATIONS IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT,
OR IN THE ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT, FOR FAILURE
TO COMPLY WITH GENERAL ORDER
NO. 45; MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT**

Date: May 12, 2008

Time: 2:00 p.m.

Judge: Hon. Marilyn Hall Patel

Dept.: 15

TO DEFENDANT AND ITS ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on May 12, 2008 at 2:00 p.m., or as soon
thereafter as the matter may be heard, in Department 15 of the above-entitled Court

located at 450 Golden Gate Avenue, San Francisco, CA 94102, the plaintiff will present the following motion:

MOTION TO STRIKE DECLARATIONS IN SUPPORT OF MOTION FOR
FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE,
PARTIAL SUMMARY JUDGMENT, FOR FAILURE TO COMPLY
WITH GENERAL ORDER NO. 45

The motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, all pleadings, declarations, and exhibits previously filed herein, and upon such further argument, evidence, and authority as may be presented hereafter in its support.

Dated: April 7, 2008

LAW OFFICES OF STEPHEN M. MURPHY

By: /s/ Stephen M. Murphy
STEPHEN M. MURPHY
Attorney for Plaintiff

MEMORANDUM OF POINTS AND AUTHORITIES

Defendant filed its Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment electronically on March 19, 2008. Defendant's motion and all supporting declarations and attachments were filed using the ECF password of defendant's attorney Julian J. Pardini. (Documents filed as Docket Nos. 45-51.)

General Order No. 45 issued by this Court, "Electronic Case Filing," Section X, "Signatures," Subsection B, "Others," states as follows:

In the case of a Signatory who is not an ECF User, or who is an ECF User but whose User ID and Password will not be utilized in the electronic filing of the document, as in the case of documents requiring multiple signatures, the filer of the document shall list thereon all the names of any other signatory or signatories. **The filer shall attest that concurrence in the filing of the document has been obtained from each of the other signatories, or from the single signatory (in the case, e.g., of a declaration) which shall serve in lieu of their signature(s) on the document.** The filer's attestation may be incorporated in the document itself, or take the form of a declaration to be

1 attached to the document. The filer shall maintain records
2 to support this concurrence for subsequent production for
3 the court if so ordered or for inspection upon request by a
4 party until one year after final resolution of the action
(including appeal, if any). The filer may attach a scanned
5 image of the signature page(s) of the document being
electronically filed in lieu of maintaining the paper record for
subsequent production if required.

6 (emphasis added).

7 Despite the clear instructions provided in the Order, defendant failed to file the
8 required attestation for the supporting declarations of Jeffrey Mangone, Darbie
9 Hoffman, and Renton Rolph.

10 Plaintiff originally filed this action in California state court. Defendant removed
11 the case to this United States District Court based solely on diversity of citizenship.
12 Nonetheless, as this Court is aware, defendant has repeatedly shown that it is either
13 unable or unwilling to familiarize itself with the rules and standing orders of its chosen
14 jurisdiction.

15 For the foregoing reasons, plaintiff objects to and requests that this Court strike
16 the Declaration of Jeffrey Mangone in Support of Defendant AMCO Insurance
17 Company [sic.] Motion for Summary Judgment, or in the Alternative, Partial Summary
18 Judgment, the Declaration of Darbie Hoffman in Support of Defendant AMCO
19 Insurance Company [sic.] Motion for Summary Judgment, or in the Alternative, Partial
20 Summary Judgment, and the Declaration of Renton Rolph, Esq. in Support of
21 Defendant AMCO Insurance Company [sic.] Motion for Summary Judgment, or in the
22 Alternative, Partial Summary Judgment together with all exhibits and attachments
thereto.

23 Dated: April 7, 2008

LAW OFFICES OF STEPHEN M. MURPHY

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25 By: /s/ Stephen M. Murphy
STEPHEN M. MURPHY
26 Attorney for Plaintiff